

HOUSE BILL 2683

By Hill

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 3 and Title 65, relative to motor carriers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. (a) Notwithstanding any provision of law to the contrary, upon the effective date of this act all employees of the department of safety charged with the responsibility of policing and enforcing title 65, chapter 15, and any other employees of the department of safety necessary to assist in such policing and enforcing, shall be transferred to the Tennessee regulatory authority, created by § 65-1-101.

(b) All reports, documents, surveys, books, records, papers or other writings in the possession of the department of safety with respect to administering the enforcement of title 65, chapter 15, assigned to the Tennessee regulatory authority by this section, shall be transferred to and remain in the custody of the Tennessee regulatory authority.

(c) All leases, contracts and all contract rights and responsibilities in existence with the department of safety with respect to the duties transferred by this section shall be preserved and transferred to the Tennessee regulatory authority.

(d) All assets, liabilities and obligations of the department of safety with respect to the duties transferred by the section shall become the assets, liabilities and obligations of the Tennessee regulatory authority.

(e) Any revenues from rates, fares, charges, fines, and other moneys received pursuant to, title 65, chapter 15, assigned to the Tennessee regulatory authority by this section, shall be allocated to the Tennessee regulatory authority as approved by the transition team pursuant to Section 3 to implement this act.

SECTION 2. The Tennessee regulatory authority shall promulgate rules and regulations pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to effectuate the purposes of this act.

SECTION 3. All duties, authority, personnel and property transferred on the effective date of this act shall be transferred no later than June 30, 2011. Such transfers shall be subject to the approval of a plan of transfer by a transition team composed of the comptroller of the treasury, the state treasurer and the commissioner of finance and administration. Such transfers shall also be subject to approval of the plan of transfer by the finance, ways and means committees of the senate and house of representatives.

SECTION 4.

(a) Recognizing the years of faithful and dedicated service to the state of Tennessee by the employees of the department of safety, employees who serve in jobs that would be classified as career service as defined in § 8-30-208, shall receive the benefits and protection of career service status upon passage of this act without further examination or competition; provided, however, that such employees must have completed at least six (6) months of service with the department of safety upon the effective date of this act.

(b) The department of human resources shall complete the establishment of new job classifications, minimum qualifications, salary range, and civil service testing and ranking procedures for the development of certificates of eligibles, for all new classifications needed to support the functions transferred by the provisions of this act no later than June 30, 2011.

(c) Notwithstanding any other law to the contrary, the appointing authority over any position deemed to be career service by this act, shall not be required to fill any such position from an appointment or promotion list for two (2) years from the effective date of the transfer provisions of this act unless the commissioner of human resources certifies earlier that such lists are properly available under the title 8, chapter 30.

SECTION 5.

(a) The provisions of title 8, chapter 30, part 3, relative to noncompetitive and entrance tests and appointment and promotion lists shall not apply to personnel transfers made pursuant to this act. Any employee so transferred shall, however, be eligible to compete for promotion pursuant to such chapter.

(b) No employee transferred pursuant to this act shall be subject to §§ 8-30-312 - 8-30-314, except as otherwise provided by this act, if such employee has been employed by the state at least six (6) months on the effective date of the act.

SECTION 6. As sections, parts, titles, chapters and volumes of Tennessee Code Annotated are amended, repealed, revised and replaced, the Tennessee code commission is directed to change references to the department of safety relative to the duties and responsibilities that have been transferred by this act to references to the Tennessee regulatory authority.

SECTION 7. Tennessee Code Annotated, Section 4-3-2012, is amended by deleting such section in its entirety.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.